



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3613  
J. Hayward  
1-17-02  
5/Success.

In Re Application of : Paul C. Zimmer

U.S. Serial No. : 09/612,821

Filed On : July 10, 2000

For : PROMOTIONAL CALENDAR AND METHOD

Examiner : M. Torres

Art Unit : 3613

Attorney Docket No. : ZMM-101

REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

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Dear Sir:

In response to the Office Action dated August 27, 2001, applicant respectfully requests reconsideration of the rejection of claims 1-5 under 35 USC 103(a) over Hallam in view of Deaton.

Hallam, U.S. 964,967 does not describe a calendar to distribute to users. Rather, the Advertising Device disclosed is a collection of sheets, each printed with a date and having a space 7B where advertising may be inserted. The sheet is stuck to the inside of a shop window to be displayed to passers by. There is no mention of the nature of the advertising, i.e., presumably this would be a special sale price for particular goods etc., since the name of the shop would presumably be displayed by a permanent sign.

The name of the enterprise is thus not described as being printed on the page in the device of Hallam.

Deaton describes a Record Calendar in which space is provided for the user to make handwritten entries. Each page is foldable up along a hinge strip 13 and can be held under flap 15.

The name of a person and a sponsoring enterprise appear only on the flap 15, not on each page. There is no individual page for each day.

The concept of the present invention is to direct the owner's daily attention to a positive association between the name of the recipient and the sponsoring enterprise. The need to turn the page each day draws attention to the printed name of the owner and the enterprise who gave him or her the calendar, as the natural tendency when turning a page is to visually confirm the date on the next page, causing one to consciously look at each page. This drawing of the user's attention to each page is reinforced by the inclusion of the text message recited in claims 2 and 5.

Neither cited reference discloses or suggests this arrangement either taken individually or collectively. Hallam is directed to a device for conducting impersonal advertising, not a personalized promotion by association. Deaton does not personalize each page or devote a separate page to each date. There is absolutely no suggestion in Deaton that a particular name should be imprinted on each page. This would not make any sense, since the advertising is to be displayed in a shop window, not directed to anyone in particular.

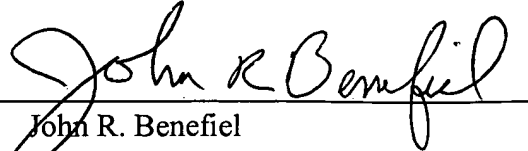
Accordingly, claims 1-5 are urged to define patentably over Hallam and Deaton and the other references of record which likewise do not show the claimed arrangement.

Favorable reconsideration is respectfully requested.

Respectfully submitted,

Date: November 27, 2001

By:

  
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**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)**

It is hereby certified that this correspondence, along with any items referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on November 27, 2001.

By:

